

ASSEMBLY BILL

No. 67

Introduced by Assembly Member Chavez

December 21, 2004

An act to add Section 2891.5 to the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

AB 67, as introduced, Chavez. Telecommunications: customer proprietary network information.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including telephone corporations. Existing law prescribes the circumstances under which telephone and telegraph corporations may release information regarding residential subscribers without their written consent.

Under the federal Communications Act of 1934, as amended, a telecommunications carrier has a duty to protect the confidentiality of proprietary information of customers. The act limits the use, disclosure, or access to customer proprietary network information, as defined. Pursuant to the act, the Federal Communications Commission has adopted regulations that, among other things, require specified notice to customers and establish procedures for telecommunications carriers and affiliates to follow in obtaining opt-in approval and opt-out approval for the use, disclosure, or access to customer proprietary network information.

This bill would prohibit a telephone corporation or an affiliate, as defined, of a telephone corporation from discriminating between customers based upon a customer's consent, or refusal to consent, to provide opt-in or opt-out approval to the use or disclosure of, or access to, customer proprietary network information pursuant to the

above-described federal law and regulations. The bill would prohibit a telephone corporation or an affiliate from offering any financial inducement to obtain a customer's consent to the use or disclosure of, or access to, a customer's proprietary network information pursuant to the above-described federal law and regulations.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2891.5 is added to the Public Utilities
2 Code, to read:

3 2891.5. (a) No telephone corporation or an affiliate of a
4 telephone corporation, shall not discriminate between customers
5 based upon the customer's consent, or refusal to consent, to
6 provide opt-in approval or opt-out approval of the use or
7 disclosure of, or access to, customer proprietary network
8 information pursuant to Section 222 of Title 47 of the United
9 States Code and Part 64 of Title 47 of the Code of Federal
10 Regulations.

11 (b) A telephone corporation or an affiliate of a telephone
12 corporation shall not offer any financial inducement to obtain a
13 customer's consent to the use or disclosure of, or access to,
14 customer proprietary network information pursuant to Section
15 222 of Title 47 of the United States Code and Part 64 of Title 47
16 of the Code of Federal Regulations.

17 (c) For purposes of this section, the following terms have the
18 following meanings:

19 (1) "Affiliate" has the same meaning given the term in
20 paragraph (1) of Section 153 of Title 47 of the United States
21 Code.

22 (2) "Customer proprietary network information" has the same
23 meaning as given the term in Section 222 of Title 47 of the
24 United States Code.

25 (3) "Discriminate" means a difference in treatment or favor as
26 a result of the customer's decision.

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